

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 1:22-MJ-626 (DJS)
)	
v.)	Stipulation and Order
)	for Enlargement of Time
OTMANE KHALLADI,)	
)	
Defendant.)	

STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, Otmane Khalladi, by and through counsel, Sandy B. Becher, hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and include the period of time extending sixty (60) days from the date of the [proposed] order, and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

- 1) The chronology of this case is as follows:
 - a) Date of complaint: October 19, 2022
 - b) Date of initial appearance: December 13, 2022
 - c) Defendant custody status: Not in custody; subject to pretrial supervision
 - d) Earlier enlargements of time and exclusions under the Speedy Trial Act: the period of time from December 27, 2022 through and including February 25, 2023; the period of time from February 28, 2023 through and including April 29, 2023; the period of time from April 28, 2023 through and including June 27, 2023; the period of time from June 23, 2023 through and including

August 22, 2023; the period of time from August 22, 2023 through and including October 21, 2023; and the period of time from October 17, 2023 through and including December 16, 2023.

2) The defendant requests this exclusion based on the following facts and circumstances: the United States made a discovery production to defense counsel on or about December 22, 2022. The requested continuance allows for reasonable time necessary for the effective preparation by defense counsel to review the evidence with the United States and the defendant, so that the defendant may make an informed decision as to whether he wishes to resolve or dispute the charges set forth in the Complaint. Additionally, the defendant has been indicted in the United States District Court for the District of Vermont, on wire fraud and money laundering charges unrelated to this case, and needs to consider those charges as well in deciding whether and how to resolve the charges set forth in the Complaint in this case.

3) The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial because the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

4) The parties stipulate and agree that a period of 60 days from the date of the signing of this Order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

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The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above, and apply for and consent to the proposed order set forth below.

Dated: December 14, 2023

CARLA B. FREEDMAN
United States Attorney

/s/ Michael Barnett

By:

Michael Barnett
Assistant United States Attorney
Bar Roll No. 519140

/s/ Sandy B. Becher

Sandy B. Becher, Esq.
Attorney for Otmane Khalladi
Bar Roll No. 704096/Admitted *pro hac vice*

ORDER

A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy indictment and trial because the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

C. BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and include sixty (60) days from the date of this Order, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this 15 day of December, 2023.


Daniel J. Stewart
U.S. Magistrate Judge